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Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018			SEVERSON, JEREMY R	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/736,187
Filing Date: December 15, 2003
Appellant(s): CARON ET AL.

John S. Economou
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 14 September 2009 appealing from the Office action mailed 31 January 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: the rejections of claims 4-6 have been withdrawn.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner: the rejections of claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,186,443 to Manley in view of Great Britain Patent No. 2 032 889 to Brooke have been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,186,443	MANLEY	2-1993
2 032 889	BROOKE	5-1980

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,186,443 to Manley et al. (hereinafter "Manley") in view of Great Britain Patent No. 2,032,889 to Brooke et al. (hereinafter "Brooke").

In regard to claims 1, 13 and 16, Manley discloses a sheet material conveyor comprising:

a pocket conveyor (3) with at least one moving pocket (56) for collecting printed sheet material (60), the pocket conveyor having a release area (see Fig. 10) for releasing the printing sheet material in the pocket (Further, in regard to claims 12 and 13, Manley discloses a collect wall and a releasable foot [see Fig. 10]).

Manley does not disclose an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source. However, Brooke discloses an air supply device (see Fig. 1) providing air to a pocket (defined by registration fences 104,105; support surface 102; and binding device 104) for the purpose of reducing the effects of friction between the stack and the support surface during ejection of the stack of papers (page 3, col. 2, lines 105-110). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Manley's pockets to include an air supply device providing air to the pocket, as taught by Brooke, for the purpose of preventing friction between the stack and the support surface during ejection of the stack of papers.

Examiner notes in the art of "bottom-drop" pocket conveyors, there is long known problem of friction between the paper and pocket wall adversely affecting the gravity drop (see e.g. US Patent No. 4,723,770 to Se[del et al. col. 11, lines 10-18). Brooke's air blower prevents this friction and therefore would be considered advantageous. Further, since Brooke overcomes the friction problem, it would have been obvious to one of ordinary skill in the art to use such a method in moving pockets, such as Manley's, to overcome the friction problem. The fact that Brookes pocket is stationary would not have prevented one of ordinary skill in the art from recognizing Brookes method of applying air to reduce friction should be applied to a pocket regardless of whether the pocket is stationary or movable. Additionally, in a device such as Manley's with many moveable pockets, it would be obvious that adding an air source to each pocket, rather than a single air source would be extremely wasteful. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied Brookes teaching to movable pockets such as Manley's and that the pockets would be movable which respect to an air source.

In regard to claim 2, see Manley, Fig. 10.

In regard to claim 3, Manley Fig. 10 and Brooke Fig. 1.

In regard to claim 8, Brooke discloses the air pressure may be varied (page 3,col. 1, lines 57-64).

In regard to claims 9-11 and 15, see Manley Fig. 4, which discloses a plurality of pockets (56) and a gripper conveying unit (98) under the pockets.

In regard to claim 14, Manley discloses different inserts (col. 1, line 50).

(10) Response to Argument

35 U.S.C. §103(a) Rejections

A. Claims 1 to 3 and 8 to 12

The Appellant argues that neither Manley nor Brooke discloses or teaches "an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source" because neither of the cited references disclose the specific requirement of claim 1 of "the pocket being movable with respect to the air source." Brief, p. 5-6. The Examiner disagrees. Though the pocket of Brooke is stationary, the pocket of Manley is movable, and Brooke teaches a stationary air source. Therefore, Manley and Brooke teach "an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source."

The Appellant further argues that there is has been a long-felt need for solving the friction problem in moving pockets, with the sole support for this argument being the Examiner's statement that "there is [a] long known problem of friction between the paper and pocket wall adversely affecting the gravity drop." Brief, p. 6-7. The Examiner disagrees. In order to establish long-felt need, the need must not have been satisfied by another before the invention by the Appellant. *Newell Companies v. Kenney Mfg. Co.*, 864 F.2d 757, 768, 9 USPQ2d 1417, 1426 (Fed. Cir. 1988). MPEP § 716.04.

Though there is a long-known problem of friction between paper and surfaces, there has been a long-known solution to this in the form of supplying air to said surface, as exemplified in Brooke.

B. Independent Claim 13

The Appellant argues that the Examiner does not address the language of claim 13, specifically "providing pressurized air to the printed sheet material as the pockets move past a pressurized air source." Brief, p. 7. The Examiner disagrees. Though the pocket of Brooke is stationary, the pocket of Manley is movable, and Brooke teaches a stationary air source. Therefore, Manley and Brooke teach "an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source."

C. Independent Claim 16

The Appellant's arguments that Claim 16 is allowable are similar to the arguments that Claim 1 is allowable. Brief, p. 9. The Examiner disagrees for the same reasons that Claim 1 is not allowable.

D. Dependent Claim 2

The Appellant argues that Manley does not disclose a "pocket foot released at the release area to drop the printed sheet material." Brief, p. 11. The Examiner disagrees. Fig. 10 of Manley shows the bottom portion of the pocket (the "pocket foot") moving in order to drop the sheet material.

E. Dependent Claim 4

The Appellant's arguments regarding claim 4 are persuasive and the rejection is withdrawn.

F. Dependent Claim 6

The Appellant's arguments regarding claim 6 are persuasive and the rejection is withdrawn.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jeremy Severson/

Examiner, Art Unit 3653

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